# **Kern County Oil Drilling Plan CEQA Review May Be Headed Back To Court**

Ground Vehicles Report

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**Body**

Environmental and equity groups are raising a host of legal objections to ***Kern*** County's revised supplemental environmental assessment for its ***oil*** and gas drilling ordinance, potentially previewing arguments they may make if they file a renewed legal challenge to the county's document.

"The Ordinance undermines sound government decision making and public transparency by proposing to greenlight tens of thousands of new ***oil*** and gas wells -- and all associated infrastructure -- on the basis of one high-level and inadequate review," states a Dec. 14 comment letter to county officials from several environmental and environmental justice groups.

"As with previous iterations of the County's environmental reviews, the revised October Draft [Supplemental Recirculated Environmental Impact Report (SREIR)] wholly neglects to analyze or mitigate the site-specific impacts of ***oil*** and gas development in the County, and yet the Ordinance would deprive community members of any future notice or opportunity to comment when site-specific permits are issued," the groups add.

The groups, including the Center for Biological Diversity, Center on Race, Poverty & the Environment, Earthjustice, Natural Resources Defense Council and Sierra Club, charge that the SREIR violates the California Environmental Quality Act (CEQA) for multiple reasons, including for failing to adequately assess or mitigate impacts of drilling projects on air quality, water quality and supply, and greenhouse gas emissions.

Officials with the county Planning & Natural Resources Department are now reviewing stakeholder comments on the SREIR for the ordinance, a revised version of which was released on Oct. 30. A hearing of the county's board of supervisors to approve the SREIR is expected early next year.

The SREIR was required after environmental and farmer groups successfully sued the county after its board of supervisors approved the original drilling ordinance in 2015. A state appellate court early this year ruled in favor of the environmentalists and farmers, who filed a separate lawsuit challenging the ordinance, and rescinded the sweeping law, finding the county's environmental-impact review (EIR) for the long-term planning document violated CEQA.

More than 80 percent of ***oil*** drilling in California is located in ***Kern*** County, with a significant portion involving hydraulic fracturing, acidization and other controversial well stimulation treatments.

A three-judge panel of California's Fifth District Court of Appeals ruled Feb. 25 in the consolidated case King and Gardiner Farms, LLC, et al., v. County of ***Kern***, et al. that the county's ordinance and accompanying EIR violated CEQA, including for failing to adequately assess or mitigate water and air impacts.

The ruling in part overturned a March 2018 ruling by Judge Eric Bradshaw of ***Kern*** County Superior Court, which rejected most of the claims made by the environmental and farming groups.

The appellate court, which rejected requests by both sides to rehear portions of the case, invalidated the certification of the EIR and approval of the new ordinance. However, the ruling also specified that the county return to the regulatory scheme in place prior to the ordinance's adoption, which environmentalists opposed.

And environmentalists were disappointed that the court did not invalidate all the permits issued by the county since the ordinance was adopted in November 2015.

Industry Support

The California Independent Petroleum Association and Western States Petroleum Association (WSPA), which intervened in the case in support of the county, originally submitted the ordinance for adoption by the county.

A WSPA spokesman say the trade group "strongly supports the draft [SREIR] issued in October 2020, and ***Kern*** County's ***oil*** and gas regulatory ordinance which the SREIR supports."

A county spokeswoman said in October that the appellate court decision directed the county to look at "five areas in which the EIR did not comply with CEQA," including mitigation of water supply impacts; impacts from fine particulate emissions; mitigation of conversion of agricultural land; noise impacts; and recirculation of a "Multi-Well Health Risk Assessment" for public review and comment.

"And the rest of the resources areas and ordinance were found valid," she added.

But an attorney representing the environmental groups claims that the county "intends for its one-off, incomplete environmental review to substitute for review and mitigation by other agencies like" the California Geologic Energy Management Division (CalGEM). "In other words, the county is trying to grease the skids so that all agencies with ***oil*** and gas oversight responsibility can rubber-stamp new drilling faster than ever," the source says.

A CalGEM spokesman did not respond to a request for comment by press time.

The environmental attorney is unsure whether they will go back to court to challenge the SREIR.

"Right now, we are focused on persuading the Board of Supervisors to protect residents and make plans for a sustainable economic future for ***Kern*** County," the source adds. "After the County makes its decision, we will have to review it carefully before deciding on any next steps." -- Curt Barry (cbarry@iwpnews.com)

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